THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12113 OF 2006

ORA ORDER:

The petitioner was granted a passport on 15.5.1991, which was valid up to 14.5.2001. Thereafter, he made an application for renewal of the passport. However, in view of the involvement of the petitioner in a communal case, relating to Saidabad police station, his request for renewal of passport was not considered. By letter dated 25.6.2002, the petitioner was required by the 2nd respondent to explain the charge leveled against him, within 15 days. The petitioner states that on 3.7.2002, he gave a reply, but the 2nd respondent failed to consider the same. In the meanwhile, the petitioner, who is aged about 72 years, wanted to perform Umrah (mini Haj) and for the said purpose, he wanted to visit Saudi Arabia. Accordingly, he made an application for renewal of his passport, or to issue a fresh passport. Contending that the respondents failed to consider the said request, he approached this Court. In the counter-affidavit filed on behalf of the 2nd respondent, it is stated that as per Section 6(2) (f) of the Passport Act, 1967, a person, against whom criminal cases are pending, is not qualified for grant of passport and, therefore, the request of the petitioner cannot be considered.

The learned counsel for the petitioner submits that except one case, all other criminal cases against the petitioner ended in acquittal, and the only case, which is pending, relates to an alleged offence that took place in the year 1992, in which the charge-sheet has not yet been filed. It is also submitted that even the offence alleged in the said crime is not grave in nature and, therefore, the respondents ought to have considered his request either for issuing a fresh passport, or for renewal of the passport held by him earlier.

Having regard to the facts and circumstances, though a writ of mandamus as prayed for cannot be granted, the writ petition is

disposed of granting liberty to the petitioner to make a fresh application explaining the circumstances and seeking to issue a fresh passport; in which event, the respondents shall consider the same and pass appropriate orders in accordance with law. No costs.

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(G. ROHINI, J.)

14th July, 2006.
Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.12113 OF 2006

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14th July, 2006.

Between:

Shaik Mahboob Ali. .. Petitioner.

And

The Ministry of External Affairs,
represented by the Principal Secretary,
Ministry of External Affairs,
South Block, New Delhi and another. .. Respondents.